

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:23-CV-163-KDB-DCK**

THE RECON GROUP LLP,

Plaintiff,

v.

LOWE’S HOME CENTERS, LLC,

Defendant.

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ORDER

THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Motion To File Under Seal” (Document No. 2) filed November 2, 2023. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and noting Defendant’s agreement, the undersigned will grant the motion.

A party who seeks to seal any pleading must comply with the Local Rules of this Court. Local Civil Rule(“LCvR”) 6.1 provides in relevant part as follows:

LCvR. 6.1 SEALED FILINGS AND PUBLIC ACCESS.

(a) *Scope of Rule.* To further openness in civil case proceedings, there is a presumption under applicable common law and the First Amendment that materials filed in this Court will be filed unsealed. This Rule governs any party’s request to seal, or otherwise restrict public access to, any materials filed with the Court or used in connection with judicial decision- making. As used in this Rule, “materials” includes pleadings and documents of any nature and in any medium or format.

(b) *Filing under Seal.* No materials may be filed under seal except by Court order, pursuant to a statute, or in accordance with a previously entered Rule 26(e) protective order.

(c) *Motion to Seal or Otherwise Restrict Public Access.* A

party's request to file materials under seal must be made by formal motion, separate from the motion or other pleading sought to be sealed, pursuant to LCvR 7.1. Such motion must be filed electronically under the designation "Motion to Seal." The motion must set forth:

- (1) A non-confidential description of the material sought to be sealed;
- (2) A statement indicating why sealing is necessary and why there are no alternatives to filing under seal;
- (3) Unless permanent sealing is sought, a statement indicating how long the party seeks to have the material maintained under seal and how the matter is to be handled upon unsealing; and
- (4) Supporting statutes, case law, or other authority.

LCvR 6.1.

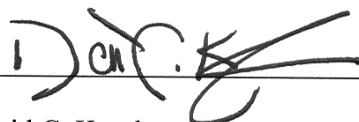
By the instant motion, Plaintiff seeks leave to file Exhibits A and B to the Complaint under seal. Plaintiff contends that Exhibits A and B "contain confidential business terms" that should be sealed. Defendant has filed a "Notice Of Consent" (Document No. 9) in response to the motion to seal. Defendant agrees that the Exhibits "are comprised of materials containing confidential business terms and other confidential business information" and should be sealed.

It appears that the requirements of LCvR 6.1(c)(1) through (4) have been adequately met.

IT IS, THEREFORE, ORDERED that "Plaintiff's Motion To File Under Seal" (Document No. 2) is **GRANTED**.

IT IS FURTHER ORDERED that counsel for the parties shall confer regarding appropriate redactions and then file: (1) publicly available, *redacted* versions of Exhibits A and B; and (2) sealed, *unredacted* versions of Exhibits A and B; on or before **November 8, 2023**.

Signed: November 2, 2023



David C. Keesler

United States District Judge